

1 ROBERT HAWKINS #131159
2 CHAPTER 7 TRUSTEE
3 1849 NORTH HELM, SUITE 110
FRESNO, CALIFORNIA 93727
(559) 255-0555

4 Chapter 7 Trustee

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7 **IN THE UNITED STATES BANKRUPTCY COURT**
8 **EASTERN DISTRICT OF CALIFORNIA**
9

10 In the Matter of

Case No. 10-15441-B-7F

11 BRIAN SCOTT-WHITTAKER and
12 SHERRI PARKS-WHITTAKER,

DC No. RHT-2

13 **TRUSTEE'S MOTION FOR**
AUTHORIZATION TO SELL
REAL PROPERTY EQUITY
11 U.S.C. §363

14
15 Debtors.

Date: November 17, 2010
Time: 10:00 a.m.
Dept: B

16
17 **TO THE HONORABLE W. RICHARD LEE, UNITED STATES BANKRUPTCY**
18 **JUDGE:**

19 Robert Hawkins respectfully represents:

- 20 1. He is the duly appointed, qualified, and acting trustee of the above-entitled estate.
21 2. The above-captioned case was filed under Chapter 7 on or about May 17, 2010, and

22 Robert Hawkins was appointed Chapter 7 Trustee.

- 23 3. This Court has jurisdiction over this proceeding by virtue of 28 U.S.C. §1334(a).

24 This is a "core" proceeding pursuant to 28 U.S.C. §157(b)(2)(A). This motion is brought pursuant
25 to 11 U.S.C. §363.

26 4. Among the assets of this estate non-exempt equity in real property commonly known
27 as 1185 Santa Ynez Avenue, Unit C, Los Osos, California with a fair market value of approximately
28 \$45,000.00.

5. The Trustee received an offer from the debtors, Brian Scott-Whittaker and Sherri Parks-Whittaker, to purchase the non-exempt equity for the total sum of \$21,500.00. The funds have been received by the estate.

6. In deciding to accept the debtor's proposed offer, the Trustee took into consideration the fair market value of the real property, the costs associated with marketing and selling the real property, and the debtors' allowed exemption in the subject property in the amount of \$19,051.00. The Trustee does not believe that the estate would net a higher amount from open market sale of the real property.

7. The Trustee believes that sale of the above-described property on the terms set forth above is in the best interest of the creditors of this estate and all parties in interest.

WHEREFORE, the Trustee prays that after appropriate notice and opportunity to be heard, he be authorized to sell the above-described asset to the debtors, Brian Scott-Whittaker and Sherri Parks-Whittaker, for the total sum of \$21,500.00.

DATED: OCTOBER 15, 2010

/S/
ROBERT HAWKINS,
Chapter 7 Trustee